

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

| | | |
|-----------------------------|---|-----------------------|
| JONATHAN LEE RICHES, |) | CASE NO. 1:07 CV 2486 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | <u>ORDER</u> |
| LEBRON JAMES. <u>et al.</u> |) | |
| |) | |
| Defendants. |) | |

On September 4, 2007, pro se prisoner **Jonathan Lee Riches** was ordered to complete and submit a Financial Application for Appeal within 30 days. Mr. Riches was advised that if he did not comply with the order, the Court of Appeals may dismiss the appeal for want of prosecution under Rule 45(a) of the Rules of the Sixth Circuit, and this court will assess the filing fee. Further, Mr. Riches was advised that if the appeal was dismissed for want of prosecution, it would not be reinstated despite payment of the full filing fee or subsequent correction of the deficiency. Mr. Riches failed to furnish a signed affidavit of poverty or signed financial application to proceed in forma pauperis. Thus, in accordance with the provisions of McGore v. Wigglesworth, 114 F.3d 601 (6th Cir. 1997), the filing fee of \$455 is assessed against Mr. Riches.

The prison cashier's office shall deduct, and forward to the court, 20% of the preceding month's income credited to the prisoner's account each time the amount in the account


exceeds \$10.00 until the full fee has been paid.¹ The Clerk is directed to issue a copy of this order and the attached instructions, which are incorporated herein, to Mr. Riches and the prison cashier's office. The Clerk is further directed to forward a copy of this order to the court's financial office.

The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

FILED
OCT 23 2007

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND


CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

¹ The prison cashier's office shall not send payments aggregating more than the amount of the full fee.

APL-3 (7/96) N.D.OHIO

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| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| LEBRON JAMES. <u>et al.</u> , |) | |
| |) | |
| Defendants. |) | |

STAPLE CHECK HERE

APL-2A (4/98) N.D. OHIO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

**INSTRUCTIONS FOR PAYMENT OF PRISONER FILING FEE
FOR AN APPEAL TO THE
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

The prisoner shown on the attached order has filed an in forma pauperis civil appeal to the United States Court of Appeals for the Sixth Circuit and owes the court a fee. Pursuant to 28 U.S.C. § 1915 and McGore v. Wrigglesworth, 114 F.3d 601 (6th Cir. 1997), the fee is to be paid as follows:

The prison cashier shall deduct monthly payments of 20% of the preceding month's income credited to the prisoner's account each time the amount in the account exceeds \$10 until the full fee has been paid. Payments should be forwarded to the address below.

If the prisoner has filed more than one appeal, he is required to pay a fee in each case. The prison cashier's office shall make the monthly calculations and payments for each case in which it receives an order granting in forma pauperis status and these instructions. **The prisoner's name and case number must be noted on each remittance.** Checks are to be made payable to:

Clerk, U.S. District Court

Checks are to be sent to:

Appellate Accounts Receivable
Carl. B. Stokes United States Courthouse
801 West Superior Avenue
Cleveland, Ohio 44113